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THE QUIET BIGOTRY OF OREGON'S COMPULSORY PUBLIC
EDUCATION ACT

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THE QUIET BIGOTRY OF OREGON'S COMPULSORY PUBLIC EDUCATION ACT

“Quiet” is not an adjective one necessarily associates with bigotry, especially in the case of fanatical groups such as the Ku Klux Klan. However, it is not uncommon that in order to gain wide support, a bigoted act needs to present itself more subtly. Unlike movements such as Eugenics, which used fear mongering and inflammatory language to inspire fear of the “other” in the hearts of the voters, some laws use a completely different selling approach. This was the case with the Oregon Compulsory Public Education Act of 1922, sponsored and advocated by the KKK and the Masons.

Simply put, this bill required that all school age children attend public school. Obviously, private schools, especially Catholic parochial schools, took issue with this. They felt that this bill was a direct attack on them: without any students, they would be forced to close. This bill was, and is, widely regarded as the product of nativism and anti-Catholic bigotry, a way to assimilate Catholic immigrants by Americanizing their children. Paula Abrams stated the prevailing historians’ consensus well in *Cross Purposes*, “...Immigrants (became) targets of hostility and

fear. The passage of the Oregon School Bill and the litigation that followed reveal a country embroiled in nationalist fervor and willing to brand minority groups as unpatriotic.”¹ However, in selling the bill to the public, only the opposing side mentioned the idea of anti-Catholicism. For a bill (rightly) argued to be so bigoted and nativist, there were little to no mention of “the dangers of Catholicism” or anything similar in any of its advertisements. Newspapers published both sides of the argument virtually equally, seeming to want to stay out of the conflict, but they did mention in late editorials that they believed the bill to be unconstitutional.

This nativism was not new to 1922. Anti-Catholicism contributed to the Protestant migration from Europe to colonial America, and WWI later heightened hostility toward foreigners. From 1901 to 1920, more than fourteen million immigrants came to the United States – mostly from southern and eastern Europe – most of them Catholic and Jewish. Many argued that these new immigrants, in such contrast to the mostly-Protestant society of the United States, were destabilizing the country and threatening the American way of life. The preoccupation with nativism and patriotism reached its apex with the Great Red Scare of 1919-20, when the drive to assimilate immigrants became a patriotic mission to protect national security.

Americans recognized that the easiest way to mold the new immigrants into perfect Protestant citizens was to start young -- with school children. In 1920,

¹ Paula Abrams, *Cross Purposes: Pierce V. Society of Sisters and the Struggle Over Compulsory Public Education* (Ann Arbor: University of Michigan Press, 2009), 4.

sociologist John Daniels said, “[Children] go into the kindergarten as little Poles or Italians or Finns, babbling in the tongues of their parents, and at the end of half a dozen years or more... [They] emerge, looking, talking, thinking, and behaving generally like full-fledged Americans.”² Public school seemed like it could be used as the great American melting pot, to teach “Pure Americanism” to the new immigrants and assimilate them into Protestant culture.

Though, through all of this, Oregon specifically had little reason to fear immigrants. In 1920, only 13% of the population was foreign-born, 8% were Catholic, and less than 0.4% were black. Racial and religious prejudices are hard to break, however, and they were a legacy of the pioneer migration to Oregon. A scant percent of Oregon’s students attended private school as well, about 7%, but more than three quarters of those private schools came from the Roman Catholic Church.

Inspiration for the school bill came from a Masonic resolution adopted in Colorado Springs, Colorado in May 1920, which represented the will of the Masons in 33 states. The Masons originally organized in Europe in 1762, as a sort of secret society that represented itself as promoting individual and intellectual freedoms and the individual’s right to shape their own government. They committed themselves to the separation of church and state, and pressed for first amendment rights of the freedom of the press and religion, but they were seen by organizations such as the Catholic Church as an anti-Catholic group. The public school resolution stated:

² John Daniels, *America via the Neighborhood* (New York: Harper, 1920), 249-50, quoted in Abrams, 2.

... Resolved, that we recognize and proclaim our belief in the free and compulsory education of the children of our nation in public primary schools... upon which all children shall attend and be instructed in the English language only without regard to race or creed as the only sure foundation for the perpetuation and preservation of our free institutions.³

Historians agree that this resolution came from the Masons' fear, partially sparked by the war, that private schools were teaching children to be uneducated and anti-American, and were being used by immigrants and religious groups (especially Catholics) to keep America weak. The Oregon Grand Lodge adopted the same resolution in June 1920, and the support among Masons for it and for legislation like it across the country led to laws in over 20 states requiring schools to be taught only in the English language.

National Masonic leaders then shifted their focus to Oregon. William Mac Dougall, a national representative, said that they had chosen Oregon, "because she has no foreign element to contend with and is, more than any other state, purely and fundamentally American."⁴

The other major supporter of the bill, the Knights of the Ku Klux Klan, arrived in Oregon in 1920, under the "One Flag, One School" campaign. Recently changed from a mostly anti-African American group to an anti-immigrant, pro-

³ Proceedings of the Grand Lodge, Ancient Free and Accepted Masons of Oregon (Portland, Oregon. 1921-22), quoted in Alan Gallagher, "The Oregon Compulsory School Bill of 1922: A Re-Evaluation" (master's thesis, Corpus Christi State University, 1984), 8-9.

⁴ Lawrence J. Saalfeld, *Forces of Prejudice in Oregon, 1920-1925* (Portland, Or.: Archdiocesan Historical Commission, 1984), 118.

Protestant-national organization, the KKK readily supported the Masons' resolution as part of their political agenda. Klansman "Kleagle Carter" was quoted in saying, "We are not against the way the Catholics worship but we are against the Catholic machine which controls our nation. We believe in the separation of church and state and through our public school system we hope to break up their propaganda."⁵ This paranoia of the "Catholic Machine" destroying the nation fit well with the current fears of Americans: the KKK's membership surged in the 1920s, recruiting 20,000 new members statewide from a population of only 750,000, and by 1922, they had become a politically dominant force. Most of the press stayed mute as they rose to power, and Governor Olcott expressed confusion at the KKK's success, "We have not the so-called Catholic menace in Oregon.... We have not the so-called Jewish Menace in Oregon... some of the best citizens and the most far-seeing and forward-looking citizens of the state are Catholics and Jews."⁶

Republican state senator Charles Hall, however, used the KKK's popularity and the growing support for compulsory public education and the crushing of the "Catholic Machine" to his advantage. He challenged Governor Olcott in the next election, running on the platform, "One public school for all 8 grades," securing the support and endorsement of the Klan and the Masons. However, Olcott beat Hall in

⁵ Professor David A. Horowitz, ed., *Inside the Klavern: the Secret History of a Ku Klux Klan of the 1920s* (Carbondale: Southern Illinois University Press, 1999), 61.

⁶ Ben Olcott, "Proceedings of Governors' Conference," 138, quoted in Abrams, 9.

the 1922 primary, but Hall refused to give up and decided to run as an independent so that compulsory public education would remain one of the major election issues.

Spurred by statewide focus on their idea, the Masons moved to place the compulsory public education initiative on the ballot of the November election. They gathered signatures from other Protestant patriotic organizations and filed the initiative with the Secretary of State on July 6, 1922. Of its fourteen sponsors, all were prominently Masons, and at least two were Klan officials. The speedy approval of the bill startled its opponents who thought that the issue was surely dead after Hall lost the Republican primary. Some Masons denied support for the bill, and claimed that the KKK forced the issue on them, but a dominant faction claimed public responsibility.

The passing of the bill could mean devastation for Catholics and Catholic education, but Catholics were worried that an aggressive campaign against the bill could exacerbate anti-Catholic sentiment in the population. This timidity may have made them easy victims, but they did put up some fight. The Society of the Sisters of the Holy Names of Jesus and Mary, the dominant provider of Catholic education in Oregon (and the founders of St. Mary's Academy), joined forces with Hill Military Academy, a nonsectarian private school that would also be harmed by the bill. It was now that advertisements against the bill began to come out, marking the first real mention of the bill in the newspapers and the first time most of the public became aware of its existence.

The first mention of the Oregon School Bill in *The Oregonian*, beyond a factual mention in a list of upcoming bills, was an opinion article by Reverend Edwin V. O'Hara on July 9, 1922. The article was entitled, "Freedom of Education in Oregon Held Endangered," and it argued that the proposed bill was, "conceived in hatred of religion" and that its, "purpose (was a) vicious one." O'Hara warned, "Let there be no misunderstanding concerning the purpose of the proposed school legislation... let no man deceive you with vain words – the measure is conceived in a hatred of religion and in the hope of crippling its free exercise."⁷ He argued that nobody could argue the inefficiency of private schools, as those schools had always been ready to meet any standard they were required to, so the only real motive behind the bill could be a bigoted one.

Soon after that article, the debate on the pages of *The Oregonian* and other Oregon papers began to wage. A letter to the editor, arguing for the rights of parents in choosing their own children's education was published only eight days later, and argued in response to a recent statement made by the Ladies of the Invisible Empire (a KKK auxiliary group), that the purpose of their institution was to, "... (preserve) the ideals and institutions established by our Anglo-Saxon fathers, thus securing the social rights of civil and religious liberty to all honest citizens, irrespective of race, religion or color." The letter-writer argued that this statement was completely hypocritical, and that in their support of the Compulsory Public Education Bill, they were denying the very rights they claimed to be fighting for in

⁷ Edwin O'Hara, "Freedom of Education in Oregon Held Endangered," *The Oregonian*, XLI:28 (July 9, 1922), 2.

the name of bigotry. The writer stated, “Compulsory public school education is a direct blow at religious liberty.”⁸

Another article, published on July 23, stated that “Archbishop Christie” was urging Catholics to act against this infringement of their liberties. Christie argued that the constitutional rights of Catholics all over Oregon was in grave danger, and that their, “inalienable privilege of following the dictates of conscience (was) being violently attacked.”⁹ He defended the competency of Catholic private schools and urged everyone who did not like to see liberties stripped from innocent people to act out against the bill.

However, unlike other bigoted movements, the response from the pro-bill side was not in the vain of anti-Catholic propaganda as one might expect, but in a completely different plane denying what was, and is, viewed as their true intention. Through paid advertisements by Masons, KKK members, and other supporting organizations, they sprinkled the newspapers with their side just as the opposing side had done. An early advertisement, published on August 2 and paid for by Masonic leader P.S. Malcom, stated, “The attention of the Masonic bodies of Oregon has been directed to statements that the compulsory public school bill is being initiated for religious purposes. Nothing is farther from the real truth.”¹⁰ The advertisement stated that there were no bigoted, anti-religious undertones in the

⁸ L. J. Smith, Letter to the Editor, *The Oregonian*, LXI:19237 (July 7, 1922), 8

⁹ Unnamed, “Attack is Made on Education Bill,” *The Oregonian*, LXI:30 (July 23, 1922), 16.

¹⁰ P.S. Malcom, Advertisement, *The Oregonian*, LXI:19251 (August 2, 1922), 9.

public school bill, and that its purpose was purely to instill American ideals into all school children and to maintain the high standards of American public schools. A later October letter to the editor argued that, indeed, the school bill had nothing to do with religion and that he (the writer), “...(has) not seen one single reference to an attempt to tamper with the religion of any one.”¹¹ Even the opinion articles that had an underlying anti-Catholic sentiment did not purport that the bill itself had one, only that those Catholics who were arguing against the bill seemed to be taking an anti-public school (which is the “salvation of the nation”) stance.¹²

As the election drew nearer, the arguments and the advertisements cropping up in the papers grew even more heated. A late October opinion article, quoting a speech from an “Ex-Pastor,” stated that the Masons, the KKK, and their bill were, “...not out to destroy any institution, but to preserve the American institution of our public schools, and we will preserve it if we have to destroy every institution that oppresses (it).”¹³ The writer stated that those arguing against the bill, “...(boast) of the fact that Mr. Roosevelt attended a private school. I don’t doubt it - because he must have learned something that compelled him to send all his children to the public schools.”¹⁴ None of the arguments he made mentioned Catholicism or a drive

¹¹ Arthur K. Mickey, Letter to the Editor, *The Oregonian*, LXI:19323 (October 25, 1922), 8.

¹² E.H. Flagg, Letter to the Editor, *The Oregonian*, LXI:19309 (October 9, 1922), 8.

¹³ Unnamed, “Ex-Pastor Speaks for Public Schools,” *The Oregonian*, LXI:19323 (October 25, 1922), 4.

¹⁴ *Ibid.*, 4.

to assimilate immigrants, they argued purely that the bill was meant to support and protect the public school institution.

Walter Pierce got in on the debate himself, with a quote in *The Bend Bulletin* saying, “I believe we would have a better generation of Americans, free from snobbery and bigotry, if all children up to and including eighth grade were educated in the free public schools of America.”¹⁵ Not only was this bill not inspired by bigotry, but it was fighting against it. A paid advertisement from *The Evening Herald* told voters to vote for the bill purely to ensure the homogenization of what their kids were learning: pure American ideals and patriotism.¹⁶ An advertisement in *The Springfield News* entitled “Public Schools Forever” claimed Public Schools as one of the principles “...laid down in Massachusetts Bay Colony in 1647” and that public school was necessary to “...mould an enlightened citizenry.”¹⁷ These advertisements, sponsored by those who created the bill in the first place, made it seem that the bill was nothing more than a public-school-strengthening measure, simply something to make them “FREE,” “OPEN to all,” and “GOOD enough for all,”¹⁸ with no mention of Catholicism or the closing of private schools.

¹⁵ Unnamed, “Smoked Out,” *The Bend Bulletin*, XX:30 (September 21, 1922), 4.

¹⁶ P.S. Malcom, Advertisement, *The Evening Herald*, XVI:6450 (October 22, 1922), 2.

¹⁷ Eugene Compulsory School League, Advertisement, *The Springfield News*, XIX:41 (October 26, 1922), 4.

¹⁸ P.S. Malcom, Advertisement, *The Springfield News*, XIX:47 (November 1, 1922), 4.

Meanwhile, those arguing against were still crying bigotry. An October 29 advertisement – sponsored by the Catholic Civil Rights Association -- argued that the bill was purposely titled in a way that would “deceive the voters” of the bill’s real intention to destroy Catholic schools, not to improve or protect public schools. (It had been titled “Compulsory Education Bill” – possibly fooling voters into thinking they were only voting for children to go to some kind of school). It pleaded with the voters to strike it down, stating that the bill, “... destroys the rights of minorities, the most vital and valuable principle of Americanism, and the one that has preserved this country from the tyranny of Old World Governments.”¹⁹ This and other advertisements also argued for the merits of private schools, and the rights of parents to choose how to educate their own children.

The Oregon Journal published some half-page ads as well, with a large November 2 ad claiming, “Free Public Schools for Red-blooded Children.” It pictured happy schoolchildren playing around a grand public school, the American flag waving high in the sky. It asserted, “To stand in the way of having our free public school system broadened and extended is a hand turned against the future greatness of the Nation – is a stone placed in the road of progress.”²⁰ It would seem, from this ad, that the only purpose of the “Compulsory Education Bill” was to help the public schools, as it glossed over even the concept of closing private schools. To

¹⁹ Catholic Civil Rights Association, Advertisement, *The Oregonian*, LXI:44 (October 29, 1922), 19.

²⁰ “School Committee”, Advertisement, *The Oregon Journal*, XX:203 (November 2, 1922), 15.

vote against this bill would be to harm the public school institution, and thus to harm the nation's children.

Days later, *The Oregon Journal* published a short letter to the editor by a man called A.G. Sandbloom entitled, "Believes in Public Schools." In sharp contrast to the official advertisements like the previous one, this letter betrayed the fears behind the bill's supporters. Sandbloom said of the parochial school, "...it breeds disrespect for the public school and suspicion and prejudice toward their religious believers or churches," and that, "If the proposed bill fails at the coming election we might live to see the public school supplanted by parochial schools of the leading church denominations, Infidels and Russian Boisheviki."²¹ It was not specifically anti-Catholic, but the paranoia of the church's influence on the nation was clearly visible. However, some letters, such as one published on November 5, (rather badly) tried to keep up with the advertisements' insistence that the bill had nothing to do with Catholicism, saying that, "Freedom of worship is about as germane to the proposed compulsory education bill as is Einstein's theory of relativity." However, the writer's prejudice came out a few sentences later with the claim that, "Some of these opponents laud our public schools to the skies, but refuse to patronize them, as if they were taught by a lot of un-Christian Turks."²² Anyone who did not send their child to the Great American Institution of the Public School obviously did not

²¹ A.G. Sandbloom, Letter to the Editor, *The Oregon Journal*, XX:207 (November 6, 1922), 8.

²² J.S.M, Letter to the Editor, *The Oregon Journal*, XX:206 (November 5, 1922), 10.

support true Americanism, and thus must be stopped lest the parochial schools “...prove as fatal to the Republic.”²³

Days before the election, the bill’s proponents launched a last-ditch effort to secure public support in the form of a series of advertisements. A November 3 advertisement published in both *The Oregonian* and *The Oregon Journal* simply stated, “Clergy Support the Compulsory Education Bill – Broaden and Extend Free Public Schools!”²⁴ Once again, ignoring the anti-Catholic element and even claiming their support. A November 6 advertisement (also in both papers, and likely more) boldly claimed that free public schools would be the “Portals of the Nation’s Future!” It pictured seven different public schools, including Fernwood School and Jefferson High, in a plea to protect them by voting for this bill. It stated, “To preserve these free institutions – the public schools – is the purpose of the Compulsory Education Bill, and to broaden and extend their scope and benefits are the hope and desire of those who conceived and initiated this measure.”²⁵ It argued that all opposition to the bill was based on selfishness, and that its opponents, “are not willing that the larger interests of the nation should take precedence over selfish personal or private whims.”²⁶ The advertisement denied any religious bigotry behind the bill, claiming

²³ *Ibid.*, 10.

²⁴ Unnamed, Advertisement, *The Oregonian*, LXI:19331 (November 3, 1922), 9, and Unnamed, Advertisement, *The Oregon Journal*, XX:204 (November 3, 1922), 6.

²⁵ Unnamed, Advertisement, *The Oregonian*, LXI:19333 (November 6, 1922), 6, and Unnamed, Advertisement, *The Oregon Journal*, XX:207 (November 6, 1922), 14.

its only motivation as the promotion of the Great American Institution of the public school system.

The Oregonian itself, however, did not endorse the bill. It stated in its “Recommendations on Bills” article the Sunday before the election that, “[*The Oregonian*] believes it to be unconstitutional – an infringement on parental rights and property rights.”²⁷ They did not mention bigotry, perhaps because they did not think they needed to. It is possible that, as the editors believed the bill to be unconstitutional, they were not worried about the bill making it past the court systems. Prior to this, they had simply run the paid advertisements from both sides as they came, and let the war wage without comment.

The last advertisement, published on the day before the election, was possibly the largest piece of quietly bigoted propaganda printed in support of the bill. In large, bold letters it proclaimed, “This great building represents the PUBLIC SCHOOLS of the United States. This is the ONE thing that is important in this nation. In comparison with it NOTHING ELSE has importance.”²⁸ Over and over, it argued the importance of the public schools and the “DEMOCRACY” that they

²⁶ *Ibid.*, 6.

²⁷ Unnamed, “Recommendations on Bills,” *The Oregonian*, XLI:45 (November 5, 1922), 8.

²⁸ Unnamed, Advertisement, *The Oregonian*, LXI:19334 (November 7, 1922), 9, and Unnamed, Advertisement, *The Oregon Journal*, XX:206 (November 5, 1922), 2.

teach. It implored the voters to, “Protect this monument, build it higher, nobler, better, and you have provided for the future and safety of the United States.”²⁹

Hall ended up withdrawing from the election, as those who lose in the primaries were barred from running under another party, but that caused barely a ripple in the compulsory public education campaign. Walter Pierce, the Democratic candidate running against Olcott, then announced his support of the bill to pull Klan and Mason support from the fallen Hall.

As the election grew nearer, Pierce was convinced of the bill’s failure. Nevertheless, the bill passed with 52.7% of the vote on November 7, 1922, and Oregon became the first state in the nation’s history to approve a ballot initiative requiring public education. Not only banning private education, the bill also changed the ages of compulsory schooling from 9-15 years of age to 8-16, and was set to go into effect in 1926. Olcott’s opposition also cost him the gubernatorial election, and Pierce won by 31,000 votes. Klansmen saw this as only the beginning of their war against Catholicism, and were quoted in their November 14 meeting saying, “...We have tasted the first fruits of victory at the last election but that fact is but a small part of the great fundamental plan that we must ever consider ourselves engaged in battle until we... behold the downfall of Catholicism buried in the ruins of its own iniquity.”³⁰

However, the Society of Sisters of the Holy Name of Jesus and Mary, owners of six parochial schools in Oregon, were not about to let that happen. Within two

²⁹ *Ibid.*, 9 and 2.

³⁰ Horowitz, 26.

days of the election, they and other private schools such as Hill Military Academy announced that they were planning to challenge the bill. They chose Archbishop Christie as plaintiff, and argued that the school bill limited the rights of parents in educating their children by eliminating private education. They also argued that the bill needed to be regarded with suspicion, as they believed that it was tainted with prejudice. The recent Supreme Court case *Meyer v. Nebraska*, in which the Supreme Court found a Nebraska law that restricted teaching in foreign languages unconstitutional based on the Fourteenth Amendment, provided a good basis for their case.

The state argued that the Society of Sisters showed insufficient proof that the bill harmed parental rights or the rights of private schools, and argued that the First Amendment protection of religious liberty did not apply to the states (strangely, they were the first to bring up the religious liberty side of the debate). It purported that it was neutral on the issue, only arguing for whatever the Oregon voters decided, but undermined this claim by stating in their brief that, “children of every form of religious belief will be more tolerant... if they mingle with children whose religious beliefs are different from their own.”³¹ The state then submitted the bill to the federal court.

In the federal courts, the plaintiffs argued in much the same way, using the *Meyer* case as proof of unconstitutionality, and the court sided with them on all

³¹ Brief on Behalf of Defendants, Walter M. Pierce, Gov. of Oregon, *Pierce v. Society of Sisters*; District of Oregon, Portland; U.S. District Courts (Rg 21), National Archives, Pacific AK Region (Seattle), 32, quoted in Abrams, 143.

points. On June 30, following their loss, Oregon decided to file an appeal with the United States Supreme Court.

A year before it was to go into effect, the Supreme Court ruled the bill unconstitutional on the basis that it interfered with the property and contract rights of the private schools on the basis of the Due Process clause of the Fourteenth Amendment. The ruling, *Pierce v. Society of Sisters*, in 1925, also stated that parents have the primary right over their children's education, and they rejected the state's claim that it could impose public school upon the parents.

There is no question that the motives behind the bill's proposal and writings were bigoted ones. The KKK and the Masons had a perfect audience for their anti-Catholic bigotry in a nation stricken with a nationalistic fear of immigrants' and their religion's impact on the Protestant Nation many Americans saw their country as. Just like the leaders of other fear-motivated movements such as Eugenics, the leaders of this movement against Catholic schools and their possible further segregation of American society could have used this sentiment to their advantage. However, they did not. The Compulsory Public Education Act of 1922 was not sold to Oregonians as a means of protecting American society from the damaging influence of Catholics and immigrants, but as a measure to help promote and expand public schools. The only side that publically recognized the bill's true motive was the bill's opponents, who were not shy about crying religious prosecution. However, the KKK and the Masons denied every claim. Their bigotry was hidden

behind claims of the need for public school support and the Democracy it teaches, as they seemed to feel the need to keep it quiet.

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